

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

LARRY BENNETT, et al.,)
)
Plaintiffs,)
)
UNITED STATES OF AMERICA,) Case No. 5:63-CV-613-MHH
)
Plaintiff-Intervenor,)
v.)
)
MADISON COUNTY BOARD OF)
EDUCATION,)
)
Defendant.)

JOINT MOTION TO APPROVE AMENDED CONSENT ORDER

The parties hereby, respectfully, move the Court to approve the Amended Consent Order, attached as Exhibit A to this motion.

The original plaintiffs filed this lawsuit on December 18, 1963 in the United States District Court for the Northern District of Alabama as a class action seeking to desegregate Defendant Madison County School District. *See generally Bennett v. Madison Cnty. Bd. of Educ.* Dkt. 1 at 3, entry for June 25, 1964 (“Judgment restraining and enjoining the defendants, Madison County Board of Education, and all members of the Madison County Board of Education and their agents, employees, and successors, from discriminating against the plaintiffs and those similarly situated because of race or color in seeking placement, transfer or admission to the public

schools of Madison County, Alabama.”). On September 16, 1970, the Court entered an Order prohibiting the Madison County School Board (the “Board”) from discriminating against Black students, parents, faculty, staff and administrators in Madison County, Alabama. Dkt. 68, Order, Sept. 16, 1970. Among other things, the 1970 Order required the Board to take particular actions regarding: the desegregation of faculty and staff; the Board’s majority to minority transfer policy; transportation of students; school construction and site selection for additional schools; student attendance outside the zone to which a student is zoned; services, facilities, activities, and programs; and annual reporting on these subject matters. *Id.*

Beginning in 2018, the parties undertook substantial discovery regarding the extent to which further action was needed regarding these matters and others related to the complete desegregation of all schools in Madison County. Among other things, the parties requested and produced documents, deposed representatives of the Board, and toured multiple school facilities of all levels. Thereafter, the parties met on several occasions and reached agreement on an Amended Consent Order which requires the Board to take further action regarding a subset of these issues, including faculty and staff desegregation, and student assignment within and among schools. The Amended Consent Order also imposes additional reporting requirements regarding these matters. The parties agree that this Amended Consent

Order is tailored to address the remaining issues in Madison County and will assist the Board in ultimately reaching unitary status.

For the foregoing reasons, the parties respectfully request that the Court approve the Amended Consent Order.

Respectfully submitted,

For Plaintiff-Intervenor United States of America:

/s/ Natane Singletom
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CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of February 2022, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification to all parties.

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